

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JENNIFER RAE THOMSON,

*Plaintiff,*

v.

CITY OF HOUSTON,

*Defendant.*

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CIVIL ACTION NO. 4:21-cv-00867  
(JURY)

PLAINTIFF'S UNOPPOSED RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE

TO THE HONORABLE U.S. CHIEF DISTRICT JUDGE:

COMES NOW, JENNIFER RAE THOMSON, as applicant to be the dependent administratrix of the ESTATE OF NICOLAS CHAVEZ, DECEASED, and files this Plaintiff's Response to the Court's Order to Show Cause:

I.

1. On December 2, 2021, the Court issued an Order to Show Cause, asking the parties to provide an update on the probate court proceeding of Nicolas Chavez's Estate. *See* D.E. 34.

2. The probate court proceeding, specifically to determine heirship, of the Estate of Nicolas Chavez, Deceased, remains pending. *See* Cause No. 487111 in the Harris County Probate Court No. 3 (Cox, J.). Complications have arisen from one of Nicolas Chavez's putative heirs, A.N.W., his daughter. A.N.W. is now over the age of 12. The Texas Estates Code prohibits parents or next friends from waiving service as needed for appointment of an Estate's personal representative. *See* TEX. ESTATES CODE § 202.056(b)(2). But Plaintiff's counsel has had recent difficulty in getting in touch with A.N.W., who lives out of state.

3. Plaintiff has hired a specific probate court attorney, and anticipates promptly finalizing all matters upon receipt of a specific waiver signed by A.N.W. herself.

4. Plaintiff has no objection to the Court, in its ample discretion, staying the case until letters of administration are issued to the personal representative of the Estate of Nicolas Chavez, Deceased, and proceedings in the probate court are sufficiently accomplished. Plaintiff respectfully requests the Court re-open the case upon such action.

5. Plaintiff furthermore warrants she will promptly apprise the Court of the following developments:

- i. The day that Harris County Probate Court No. 3 sets a hearing for adjudication of administration and heirship for the Estate of Nicolas Chavez, Deceased.
- ii. A complete briefing of what occurs on that date.
- iii. All subsequent hearings, if necessary, and, in any case, the date heirship is determined and letters of administration are issued.
- iv. The letters of administration themselves.

6. Plaintiff has conferred with Defendant's counsel, who is unopposed to this Response.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays the Honorable Court STAY the above-styled cause until letters of administration are granted to a personal representative for the ESTATE OF NICOLAS CHAVEZ, DECEASED, in Cause No. 487111 in Harris County Probate Court No. 3, and Plaintiff further prays for any and all such relief, general or special, either at law or in equity, to which this Honorable Court determines her justly entitled.

Respectfully submitted,

**ROBERTS MARKLAND LLP**

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, and further pursuant to Local Rule 5.3 of the Local Rules of the United States District Court for the Southern District of Texas, I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record via the Court's electronic filing system on the 10th day of December, 2021.

/s/ Rob O. Cantu  
Rob O. Cantu